

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	DATE FILED: <u>10/27/2005</u>
	:	
	:	CRIMINAL NO. _____
v.	:	
	:	VIOLATIONS:
	:	18 U.S.C. § 1341 (mail fraud - 16 counts)
BRANSON DAVID DURHAM, Jr.,	:	42 U.S.C. § 408 (a)(6)(false information
a/k/a "Durham David Branson"	:	to obtain social security number - 1 count)
	:	42 U.S.C. § 408 (a)(7)(A)(use of social
	:	security number obtained by fraud - 1
		count)

INDICTMENT

COUNTS ONE THROUGH SIXTEEN

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. The Federal and State Unemployment Insurance system, created by the Social Security Act of 1935, was designed to provide unemployment insurance benefits, commonly called unemployment compensation (UC), to persons out of work through no fault of their own. To be insured under the system, an unemployment compensation claimant must have worked for an employer who is covered by the unemployment compensation law.

2. In general, claimants are eligible for unemployment compensation benefits if they (a) are able and available for work; (b) have earned enough wages and worked enough weeks to qualify; (c) have worked for an employer covered by the unemployment compensation system within a specified period of time prior to the filing of their unemployment compensation claims; and (d) are unemployed through no fault of their own.

3. In general, employers are covered by the unemployment compensation law if they (a) submit documentation to the unemployment compensation system accurately identifying, among other things, the principal business activity, the business owners, and the business employees and the wages they earned; and (b) pay unemployment compensation taxes to the Pennsylvania State Unemployment Compensation Fund. These taxes are based, in part, upon a percentage of the wages paid to the employees.

4. Claimants who are deemed eligible receive unemployment compensation benefits for up to 26 weeks during the 52-week period beginning with the date of their unemployment compensation claim, and benefits terminate once a worker returns to full-time employment. Federal extended unemployment benefits for additional weeks may also be available.

5. Claimants are required to report all work and gross earnings for which they have been paid or will be paid for the week in which they are earned, regardless of when they are paid. After filing an initial claim for benefits, claimants are required to file biweekly claims in which they are required to report all work and gross earnings for each week for which they are claiming benefits. Failure to report all work and gross earnings can disqualify a claimant from receiving benefits for the claimed week or weeks.

**THE SCHEME TO SUBMIT FRAUDULENT
UNEMPLOYMENT COMPENSATION CLAIMS**

6. From on or about September 30, 2001, through on or about July 6, 2002,
defendant

**BRANSON DAVID DURHAM, Jr.,
a/k/a Durham David Branson,**

devised and intended to devise a scheme to defraud the Commonwealth of Pennsylvania, State

Treasury Department, Bureau of Unemployment Compensation Disbursements, Pennsylvania Department of Labor and Industry and the Pennsylvania Unemployment Compensation Fund, and to obtain money and property of the Commonwealth and the fund by means of false and fraudulent pretenses, representations, and promises.

MANNER AND MEANS

It was part of the scheme that:

7. Defendant BRANSON DAVID DURHAM, Jr., a citizen of Trinidad, applied for and obtained social security number XXX-XX-9616 (herein after “9616”) in February 1993.

8. Defendant BRANSON DAVID DURHAM was employed by the Marriott Corporation under social security number 9616 from on or about September 27, 2000 to on or about September 14, 2001 when his employment with Marriott Corporation ended.

9. Defendant BRANSON DAVID DURHAM, Jr., using the name Durham David Branson applied for a second social security number on or about February 27, 2001. In that application defendant DURHAM provided different names for his parents than in his 1993 application and falsely answered no to the question whether he had ever received a social security number card before. Based upon the false information provided, the Social Security Administration issued social security number XXX-XX-3605 (herein after “3605”) to defendant DURHAM.

10. Defendant BRANSON DAVID DURHAM, Jr., was employed by Allegheny Airlines (“Allegheny”) using social security number 3605 from on or about April 30, 2001 through at least November 1, 2002.

11. Defendant BRANSON DAVID DURHAM, Jr., provided Allegheny with social security number 3605 for use in reporting his wages to the various government agencies, including the Bureau of Employment Security.

12. On or about September 30, 2001 defendant BRANSON DAVID DURHAM, Jr., applied for unemployment compensation benefits under social security number 9616. In that application, he falsely claimed that he was unemployed, when, in fact, defendant was employed by Allegheny Airlines under social security number 3605.

13. As a result of the scheme, the Commonwealth of Pennsylvania, State Treasury Department, Bureau of Unemployment Compensation Disbursements, paid a total of \$8,775.00 in unemployment compensation benefits to defendant BRANSON DAVID DURHAM, Jr.

14. From on or about October 17, 2001, through on or about July 6, 2002, unemployment compensation checks/direct deposits for 39 claim weeks, totaling \$8,775.00, were issued to defendant BRANSON DAVID DURHAM, Jr. The checks were mailed to addresses in Philadelphia, PA, where defendant DURHAM received them. The direct deposit payments were wired into his bank account.

THE MAILINGS

15. On or about the following dates, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, having devised and intending to devise this scheme, defendant BRANSON DAVID DURHAM, Jr., for the purpose of executing the scheme and attempting to do so, knowingly caused to be placed in an authorized depository for mail, matter to be sent by the United States Postal Service, according to the directions thereon, unemployment

compensation checks totaling \$6,750.00 from the Commonwealth of Pennsylvania, State Treasury Department, Bureau of Unemployment Compensation Disbursements, Harrisburg, Pennsylvania, as described below:

COUNT	CHECK NO.	DATE OF MAILING	AMOUNT	PAYEE
1	01502310	10/17/01	\$225.00	Branson D. Durham
2	01734212	10/30/01	\$450.00	Branson D. Durham
3	01991290	11/13/01	\$450.00	Branson D. Durham
4	02304967	11/28/01	\$450.00	Branson D. Durham
5	02596034	12/11/01	\$450.00	Branson D. Durham
6	02907156	12/26/01	\$450.00	Branson D. Durham
7	03282348	01/08/02	\$450.00	Branson D. Durham
8	03688179	01/22/02	\$450.00	Branson D. Durham
9	04126710	02/06/02	\$450.00	Branson D. Durham
10	04517626	02/20/02	\$450.00	Branson D. Durham
11	04818849	03/05/02	\$450.00	Branson D. Durham
12	05196704	03/19/02	\$450.00	Branson D. Durham

COUNT	CHECK NO.	DATE OF MAILING	AMOUNT	PAYEE
13	05614018	04/02/02	\$450.00	Branson D. Durham
14	05961866	04/16/02	\$225.00	Branson D. Durham
15	07064260	04/23/02	\$450.00	Branson D. Durham
16	07195140	05/07/02	\$450.00	Branson D. Durham

All in violation of Title 18, United States Code, Section 1341.

COUNT SEVENTEEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 and 7 through 14 of Counts One through Sixteen of this indictment are incorporated here.

2. On or about February 27, 2001, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

**BRANSON DAVID DURHAM, Jr.,
a/k/a Durham David Branson,**

for the purpose of obtaining a second identity, willfully, knowingly, and with the intent to deceive the Commissioner of Social Security as to his true identity, furnished and caused to be furnished to the Commissioner of Social Security false information with respect to information required by the Commissioner of Social Security in connection with the establishment and maintenance of records under the Social Security Act, in that defendant DURHAM, posing as Durham David Branson on an application for Original Social Security Number Card, Form SS-5, in response to the question "Has applicant or anyone acting on his/her behalf ever filed for or received a Social Security number card before?" answered "no," when in fact, as defendant knew, this statement was false.

In violation of Title 42, United States Code, Section 408(a)(6).

COUNT EIGHTEEN

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 5 and 7 through 14 of Counts One through Sixteen of this indictment are incorporated here.

2. On or about April 10, 2001, in Philadelphia, in the Eastern District of Pennsylvania, the defendant

**BRANSON DAVID DURHAM, Jr.,
a/k/a Durham David Branson,**

while employed by Allegheny Airlines at the Philadelphia International Airport, willfully, knowingly and with intent to deceive, and for the purpose of identification and to obtain a thing of value, used on an Employment Verification Eligibility I-9 Form, social security number XXX-XX-3605, that is, a number assigned to him by the Commissioner of Social Security on the basis of false information, in that he represented to the Commissioner of Social Security that his name was Durham David Branson and that he had not previously been issued a social security account number, when in fact, he had been issued social security account number XXX-XX-9616, under the name of Branson David Durham, Jr.

In violation of Title 42, United States Code, Section 408(a)(7)(A).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
United States Attorney

